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JUN 23 2000

SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Riverdale Chemical Company
c/o Mr. Todd R. Wiener
McDermott, Will and Emery
227 West Monroe Street
Chicago, IL 60606-5096

Re: Request for Information Pursuant to Section 104 of CERCLA
for the Riverdale Chemical Site in Chicago Heights, Illinois.

Dear Mr. Wiener:

The U.S. Environmental Protection Agency (U.S. EPA) is investigating the Riverdale Chemical Site (the Site) in Chicago Heights, Illinois. The U.S. EPA believes that you may have information that is relevant to the investigation of contamination at the Site. Attachment 1 is a summary of the history of this Site and the results of U.S. EPA's investigation.

The U.S. EPA asks that you provide information and documents relating to the contamination of the Site. Please respond completely and truthfully to this Information Request and its questions in Attachment 2 within thirty (30) days of your receipt of this letter. Instructions for completion of this response are in Attachment 3; definitions of terms used in this Information Request and its questions are in Attachment 4.

You may consider some information that we request as confidential. If you wish to assert a privilege of business confidentiality, you must respond to the question and advise U.S. EPA that you request that the Agency treat the response as confidential business information. Directions to assert a claim of business confidentiality are in Attachment 5.

The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq., commonly referred to as **CERCLA** or **Superfund**) gives the U.S. EPA the authority to: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by a site, and 3) clean up those sites.

Under § 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to § 104(e)(5) of CERCLA, as amended. Failure to respond and failure to justify the non-response can result in similar penalties under this Section. Further, § 104(e)(5) authorizes the United States to seek penalties from a Federal Court of up to twenty-seven thousand five hundred dollars (\$27,500) for each day of continued non-compliance. The U.S. EPA considers non-compliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years imprisonment, or both, under 18 U.S.C. 1001.

The U.S. EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Return your response to U.S. EPA within thirty (30) days of your receipt of this Information Request. Mail your response to:

C. Cuffman, Environmental Protection Specialist
U.S. Environmental Protection Agency
Region 5 (SR-6J)
77 West Jackson Street
Chicago, Illinois 60604-3590

If you have questions about a legal matter, please call our attorney, Karen Peaceman at (312) 353-5751. Technical questions

need to be addressed by Matthew Ohl, the Remedial Project Manager at (312) 886-4442. Address all other questions to Carlton Cuffman at (312) 353-3191.

We appreciate your effort to respond fully and promptly to this information request.

Sincerely,

Wendy L. Carney, Chief
Remedial Response Branch #1

Attachment: 1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information

bcc: T. Marks, SR-6J
K. Peaceman, ORC, C-14J
M. Ohl, RPM, SR-6J

ATTACHMENT 1

SITE HISTORY

Located on the southern edge of the Chicago metropolitan area in Chicago Heights, Illinois, the Riverdale Chemical Company is an active producer of pesticides and herbicides, located at 220 East 17th Street. The Riverdale Site, in the southeast portion of Chicago Heights, is bordered on the north by Chicago Heights Terminal Transfer Railroad (CHTT), a subsidiary of Union Pacific Railroad, East 17th Street and a residential area. Baltimore and Ohio Railroad tracks and a closed asphalt roofing company are located to the east. Though no longer in use, a 15-foot earthen embankment, lying to the site's south side, is a right-of-way for the Michigan Central Railroad. Beyond the railroad embankment is an active steel processing facility. A 20-acre vacant lot, previously a truck manufacturing facility, is located to the west. Though zoned for industrial use, the Site is in an area with mixed residential, commercial, and industrial land uses. An estimated population living within a one-mile radius of the Site numbers 11,100.

Riverdale, which purchased the Site in 1956, has formulated various fungicide, herbicide, and insecticide products at the Site, and currently formulates agricultural and insecticide products. Previous owners used the Site for constructing carriages, a brewery, and as a warehouse facility. The Site consists of three main buildings which contain facilities for pesticide production, raw material storage, and finished product storage. A smaller ancillary building and aboveground storage tank farm also are on site.

U.S. EPA and Riverdale Chemical entered into an Administrative Order on Consent September 28, 1984 which specified that 20,000 square yards of the site be covered with a layer of crushed limestone and a geo-fabric liner. A Remedial Investigation of the Site was conducted during 1985 and 1986. Soil samples extracted from the surface soil material indicated excessive amounts of volatile organic compounds, semi-volatile organic compounds, herbicides, pesticides and dioxin present.

On July 2, 1992, at about 3:30 p.m. an extensive fire was triggered apparently by a lightning strike in a 10,000 ft² warehouse at the Site. The warehouse contained 2,4,- Dichlorophenoxyacetic acid (2,4 D), Dicamba, alpha-(2,4-Dichlorophenoxy) propionic acid (2,4-DP), (4-chloro-2-methylphenoxy) acetic acid (MCPA), 2-(4-chloro-2-methyl phenoxy) propionic acid (MCP), PA fungicides, and oxidizers. An area around the site, two square miles in size, north to 11th Street and south to the Chicago Heights city limits was evacuated by the police department. At least 97 people sought treatment at area hospitals. U.S. EPA dispatched the Technical Assistance Team (TAT) to the Site.

TAT found a blue-green liquid along a rail spur on the northeast side of the site emanating from the warehouse. The blue-green color was allegedly from a release of 200 lbs. of water soluble dye that was stored in the warehouse. TAT tested the water and found it to have a pH of 5.5. Ash from the warehouse was found to be falling predominantly to the east of the warehouse. Water run-off from the fire fighting operations initially pooled in two intermittent ponds bounded by two rail spurs in the northeast corner of the site and an earthen berm constructed approximately five feet southeast of the warehouse.

When water levels crested the first rail spur, a notch was cut into the earthen berm to allow water to drain to the southernmost portion of the Site. Water was also found to be entering a storm water sewer. Water samples were collected from the ponds and the storm sewer. The samples were analyzed by Riverdale Chemical Company and documented releases of the following: 2,4 D up to 420 parts per million (ppm); MCPA up to 70 ppm; 2,4 DP up to 17 ppm; MCPP up to 14 ppm; PA fungicide up to 58 ppm; and Dicamba up to 4.1 ppm.

In an effort to extinguish remaining hot spots, an excavator was brought to the Site. The excavator was used to spread out piles of debris to allow the firefighters better access to smoldering materials. Product containers were ruptured during the fire and/or subsequent fire-fighting effort. Soil and groundwater samples were not collected after the incident.

Air monitoring conducted during use of a track hoe indicated an excessive level of sulfur dioxide. During 1996, a TAT was mobilized to collect soil samples from nearby residences. Results of this effort revealed the presence of polyaromatic hydrocarbons, chlordane, DDT, dieldrin, and heptachlor epoxide.

ATTACHMENT 2

Information Requests

1. Identify all persons consulted in the preparation of answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.
6. Describe all arrangements that Respondent may have or may have had with any customers, of either Riverdale Chemical or Nufarm Industries, for whom licensed batching procedures or specified methods or *formulations* were required by the customer in the terms of a contract.
7. For each arrangement described in response to Information Request No. 6, identify the raw materials the customer provided to Respondent.
8. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of waste material at the Site both currently and in the past.
9. Do any of the persons identified in your response to Information Request 8 also work for Nufarm Industries (Nufarm)? If so, in what capacity do they work for Nufarm?
10. What products has Respondent manufactured since Nufarm acquired its stock?
11. What products did Respondent manufacture for the ten years prior to the time that Nufarm acquired its stock?
12. What role, if any, does Nufarm play in determining which products Respondent manufactures?

13. What chemicals are used in the manufacture of those products identified in your response to Information Request No. 10?
14. Does Respondent currently use or produce aldrin, chlordane, dieldrin, 2,4-D, endrin, heptachlor and its epoxide, methoxychlor, 2,4,5-TP (Silvex), any material containing dioxins, or materials containing other substances listed in 40 CFR Part 261.33 sections (e) or (f)? If not, when did Respondent discontinue using or producing those chemicals? What was the last date raw materials, production process intermediates, or final commercial products containing each of these materials was present at the Riverdale facility?
15. What are Respondent's current waste handling practices?
16. Have you or any other person working with you or on your behalf ever accepted waste materials or hazardous substances for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
 - a) the persons from whom you or such other persons accepted waste materials, including hazardous substances for transport;
 - b) every date on which waste materials were so accepted or transported;
 - c) for each transaction, the nature of the materials including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) the owner of the materials so accepted or transported;
 - e) the quantity of the materials involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f) all tests or analyses and analytical results concerning each material;
 - g) the precise location to which each material actually was transported;
 - h) the person(s) who selected the Site as the place to which hazardous substances were to be transported;
 - i) the amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

- j) where the person identified in i., above, intended to have such materials transported and all evidence of this intent;
 - k) whether the materials involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;
 - l) what was done to the materials once they were brought to the Site;
 - m) the final disposition of each of the materials involved in such transactions;
 - n) the measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the material involved in each transaction; and
 - o) the type and number of containers in which the materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.
17. Furnish the name and address of each and every generator of any waste material, hazardous substances, discarded property and personal property you may have transported and/or caused, facilitated or instigated the transportation of to the Site, identifying for each such generator the type of waste product transported and date.
18. Furnish copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of the waste materials transported to, stored or disposed of at the above referenced Site or offered for transportation to, storage or disposal at the Site.
19. Identify all persons who may be responsible for the liabilities of the respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors and individuals.
20. Identify all liability insurance policies held by Respondent from 1956 to the present. Identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause,

and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

21. State whether you have operated as a sole proprietorship, partnership, corporation, any other organizational form or changed such form during and subsequent to the relevant period. Identify all transactions that may have involved any change in your organizational form or change in business name (e.g., merger, consolidation, sale of assets, spin-offs) during or after the relevant period. Provide a copy of the purchase agreement between Riverdale Chemical and Nufarm Industries (Nufarm) for the purchase of the former by Nufarm, including all schedules which relate to indemnification of or assumption of environmental liabilities. Relate and identify any changes to the organizational form of your business subsequent to the date of the purchase agreement.
22. Provide Respondent's financial statements for the past three fiscal years, including, but not limited to those filed with the Internal Revenue Service and the Securities Exchange Commission.
23. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities.
24. Identify the Parent Corporation and all subsidiaries of the Respondent.
25. Identify the managers and majority shareholders of Respondent and the nature of their management duties and/or amount of shares held,
26. Provide copies of Annual Reports submitted to the Secretary of State of Illinois for the last 3 years.
27. Provide Nufarm's financial statements for the past three years, including but not limited to those filed with the Internal Revenue Service and the Securities Exchange Commission.
28. Identify all loans made by Nufarm to Respondent including the date of the loan, the amount of the loan, the terms of the loan and the purpose of the loan.
29. Identify all loans made by Respondent to Nufarm including the date of the loan, the amount of the loan, the terms of the loan and the purpose of the loan.

30. Identify any Nufarm employee or former Nufarm employee who has worked at the Respondent's facility since Nufarm purchased Respondent's stock. For each such person, identify the responsibilities such person has or had at Nufarm and the responsibilities that such person has at Respondent's facility.

ATTACHMENT 3

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, identify all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

- Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 4.

ATTACHMENT 4

Definitions

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
2. The term **person** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. **The Site** referenced in these documents shall mean the Riverdale Chemical **Site** located in Chicago Heights, Illinois.
4. The term **hazardous substance** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term, **pollutant** or **contaminant**, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term **release** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
7. The term **identify** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term **identify** means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term **identify** means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions shall apply.

ATTACHMENT 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as 'confidential', your comments will be available to the public without further notice to you.